THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL NO. 1090 of 2005

Date: 08-08-2005

Between:

K.Tyaga Raj …Petitioner

And

Government of Andhra Pradesh rep. By

Its Principal Secretary, Revenue and others…Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL NO. 1090 of 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

The grievance of the writ petitioner was that the order dated 09-12-2004 passed by the District Collector Visakhapatnam was illegal. This order was passed by the District Collector in pursuance of the Government Order dated 19-10-2004 directing the Urban Development Authority to identify the lands, which have the potentiality of being part of a new township. The District Collector, under the impugned proceedings, permitted the Mandal Revenue Officer to handover the advance possession of the lands specified thereunder. The petitioner claimed that under Sy.No.43/1 an extent of Ac.3.00 cents of land was assigned in favour of his mother long back and he was continuing in possession of the said land and this land forms part of the orders of the District Collector, which was illegal.

It was stated by learned counsel for the Visakhapatnam Urban Development Authority that the land has already been handed over to them on 09-12-2004 and the

assignment made in favour of the mother of the petitioner had been cancelled earlier. The petitioner claimed that he was still in possession of the land.

Learned Single Judge rightly held that there was a disputed question of fact as to who was in possession of the land, which could not be gone into in the writ proceedings and dismissed the writ petition. The learned Single Judge also found that since the order of cancellation of the assignment was not challenged, therefore, no orders could be passed in the writ petition. We agree with the findings of the learned Single Judge. The writ appeal is liable to be dismissed and is accordingly dismissed. However, liberty is given to the appellant-writ petitioner to seek appropriate remedies in appropriate forum, if so advised. No order as to costs.

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(Bilal Nazki, ACJ)

8th August, 2005

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(G.Chandraiah,J)

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